

## Message Text

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12

ACTION ACDA-10

INFO OCT-01 ARA-06 EUR-12 EA-06 IO-10 ISO-00 CIAE-00

DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00 H-02

INR-07 L-03 OIC-02 OMB-01 PA-01 PM-03 PRS-01 SAJ-01

SAM-01 SP-02 SS-15 TRSE-00 NSC-05 BIB-01 OES-03 NRC-05

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O 290945Z MAY 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 3326

AMEMBASSY BONN

AMEMBASSY CANBERRA

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ERDA/GERMANTOWN IMMEDIATE

AMEMBASSY BRUSSELS

AMEMBASSY ROME

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EO: 11652: N/A

TAGS: PARM

SUB: NPT REVCON: DRAFT WORKING PAPER ON ARTICLE IV - PROVISION-  
ALLY AGREED BY WORKING GROUP

REFS: A. GENEVA 3779; B. GENEVA 3842; C. GENEVA 3862

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D. STATE 122389; E. STATE 122296; F. GENEVA 3840

1. FOLLOWING IS TEXT OF DRAFT WORKING PAPER ON ARTICLE IV PROVISIONALLY AGREED TO MAY 28 BY WORKING GROUP C, ESTABLISHED BY PLenary TO CONSIDER PROPOSALS ON ARTICLES III, IV AND V: BEGIN TEXT

A. THE CONFERENCE REAFFIRMS, IN THE FRAMEWORK OF ARTICLE IV.1, THAT NOTHING IN THE TREATY SHALL BE INTERPRETED AS AFFECTING, AND NOTES WITH SATISFACTION THAT NOTHING IN THE TREATY HAS BEEN IDENTIFIED AS AFFECTING, THE INALIENABLE RIGHT OF ALL THE PARTIES TO THE TREATY TO DEVELOP RESEARCH, PRODUCTION AND USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES WITHOUT DISCRIMINATION AND IN CONFORMITY WITH ARTICLES I AND II OF THE TREATY.

B. THE CONFERENCE REAFFIRMS, IN THE FRAMEWORK OF ARTICLE IV.2, THE UNDERTAKING BY ALL PARTIES TO THE TREATY TO FACILITATE THE FULLEST POSSIBLE EXCHANGE OF EQUIPMENT, MATERIALS AND SCIENTIFIC AND TECHNOLOGICAL INFORMATION FOR THE PEACEFUL USES OF NUCLEAR ENERGY AND THE RIGHT OF ALL PARTIES TO THE TREATY TO PARTICIPATE IN SUCH EXCHANGE AND WELCOMES THE EFFORTS MADE TOWARDS THAT END. NOTING THAT THE TREATY CONSTITUTES A FAVOURABLE FRAMEWORK FOR BROADENING INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY, THE CONFERENCE IS CONVINCED THAT ON THIS BASIS, AND IN CONFORMITY WITH THE TREATY, FURTHER EFFORTS SHOULD BE MADE TO ENSURE THAT THE BENEFITS OF PEACEFUL APPLICATIONS OF NUCLEAR TECHNOLOGY SHOULD BE AVAILABLE TO ALL PARTIES TO THE TREATY.

C. THE CONFERENCE RECOGNIZES THAT THERE CONTINUES TO BE A NEED FOR THE FULLEST POSSIBLE EXCHANGE OF NUCLEAR MATERIALS, EQUIPMENT AND TECHNOLOGY, INCLUDING UP-TO-DATE DEVELOPMENTS, CONSISTENT WITH THE OBJECTIVES AND SAFEGUARDS REQUIREMENTS OF THE TREATY. THE CONFERENCE REAFFIRMS THE UNDERTAKING OF THE PARTIES TO THE TREATY IN A POSITION TO DO SO TO CO-OPERATE IN CONTRIBUTING, ALONE OR TOGETHER WITH OTHER STATES OR INTERNATIONAL ORGANIZATIONS, TO THE FURTHER DEVELOPMENT OF THE APPLICATIONS OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, ESPECIALLY IN THE TERRITORIES OF NON-NUCLEAR-WEAPON STATES PARTY TO THE TREATY, WITH DUE CONSIDERATION FOR THE NEEDS OF THE DEVELOPING AREAS OF THE WORLD. IN THE CONTEXT OF ARTICLE IV.2, THE CONFERENCE PARTICULARLY RECOGNIZES THE GROWING NEEDS OF DEVELOPING STATES AND CONSIDERS IT NECESSARY TO CONTINUE AND INCREASE ASSISTANCE TO THEM IN THIS FIELD BILATERALLY AND LIMITED OFFICIAL USE

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THROUGH SUCH MULTILATERAL CHANNELS AS THE IAEA AND THE UNITED NATIONS DEVELOPMENT PROGRAMME.

D. THE CONFERENCE IS OF THE VIEW THAT, IN ORDER TO IMPLEMENT AS FULLY AS POSSIBLE ARTICLE IV OF THE TREATY, DEVELOPED STATES PARTY TO THE TREATY SHOULD CONSIDER TAKING MEASURES, MAKING CONTRIBUTIONS AND ESTABLISHING PROGRAMMES, AS SOON AS POSSIBLE, FOR THE PROVISION OF SPECIAL ASSISTANCE IN THE PEACEFUL USES OF NU-

CLEAR ENERGY FOR DEVELOPING STATES PARTY TO THE TREATY.

E. THE CONFERENCE RECOMMENDS THAT, IN REACHING DECISIONS ON THE PROVISION OF EQUIPMENT, MATERIALS, SERVICES AND SCIENTIFIC AND TECHNOLOGICAL INFORMATION FOR THE PEACEFUL USES OF NUCLEAR ENERGY, ON CONCESSIONAL AND OTHER APPROPRIATE FINANCIAL ARRANGEMENTS AND ON THE FURNISHING OF TECHNICAL ASSISTANCE IN THE NUCLEAR FIELD, INCLUDING CO-OPERATION RELATED TO THE CONTINUOUS OPERATION OF PEACEFUL NUCLEAR ACTIVITIES, STATES PARTY TO THE TREATY SHOULD GIVE WEIGHT TO ADHERENCE TO THE TREATY BY RECIPIENT STATES. THE CONFERENCE RECOMMENDS, IN THIS CONNEXION, THAT ANY SPECIAL MEASURES OF CO-OPERATION TO MEET THE GROWING NEEDS OF DEVELOPING STATES PARTY TO THE TREATY MIGHT INCLUDE INCREASED AND SUPPLEMENTAL VOLUNTARY AID PROVIDED BILATERALLY OR THROUGH MULTILATERAL CHANNELS SUCH AS THE IAEA'S FACILITIES FOR ADMINISTERING FUNDS-IN-TRUST AND GIFTS-IN-KIND.

F. THE CONFERENCE FURTHER RECOMMENDS THAT STATES PARTY TO THE TREATY IN A POSITION TO DO SO MEET, TO THE FULLEST EXTENT POSSIBLE, TECHNICALLY SOUND REQUESTS FOR TECHNICAL ASSISTANCE, SUBMITTED TO THE IAEA BY DEVELOPING STATES PARTY TO THE TREATY, WHICH THE IAEA IS UNABLE TO FINANCE FROM ITS OWN RESOURCES, AS WELL AS SUCH TECHNICALLY SOUND REQUESTS AS MAY BE MADE BY DEVELOPING STATES PARTY TO THE TREATY WHICH ARE NOT MEMBERS OF THE IAEA.  
END TEXT.

2. COMMENT: DRAFT REPRESENTS RESULTS OF LONG AND INTENSE NEGOTIATIONS, WITH DEVELOPING COUNTRIES, PARTICULARLY NIGERIA, PRESSING FOR ELIMINATION OF ALL CONDITIONAL PHRASES AND REPLACEMENT BY AFFIRMATIVE COMMITMENTS. THIS WAS RESISTED, AND LANGUAGE OF NEW DRAFT IS NOT SUBSTANTIALLY CHANGED IN THAT RESPECT.

3. RE GUIDANCE PROVIDED PARA 2 REF (E) RE MEASURES IN ADDITION  
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TO IAEA SAFEGUARDS WHICH MAY BE APPLIED TO EXPORTS, FOLLOWING CONSULTATIONS WITH SEVERAL OTHER DELS, INCLUDING UK, FRG AND CANADA, IT WAS CONCLUDED THAT OUR OBJECTIVES COULD MOST EFFECTIVELY BE ACHIEVED, WITHOUT PROVOKING SERIOUS CHALLENGES OR RESERVATIONS, THROUGH LANGUAGE FORMULATED AND INCLUDED IN FIRST SENTENCE OF PARA 1C, AS FOLLOWS: "THE CONFERENCE RECOGNIZES THAT THERE CONTINUES TO BE A NEED FOR THE FULLEST POSSIBLE EXCHANGE OF NUCLEAR MATERIALS, EQUIPMENT AND TECHNOLOGY, INCLUDING UP-TO-DATE DEVELOPMENTS, CONSISTENT WITH THE OBJECTIVES AND SAFEGUARDS REQUIREMENTS OF THE TREATY." DEL BELIEVES PHRASE "CONSISTENT WITH THE OBJECTIVES AND SAFEGUARDS REQUIREMENTS OF THE TREATY" AVOIDS IMPLICATION THAT IAEA SAFEGUARDS MUST BE SOLE CONDITION FOR EXPORTS.

4. RE GUIDANCE PROVIDED IN PARAS 1 AND 2 REF (D), RE LONG-TERM AVAILABILITY OF NUCLEAR MATERIALS, PHRASE IN PARA 1 E OF DRAFT

TEXT DESIGNED TO COVER THIS POINT, PROPOSED BY CANADA AND ENDORSED BY AUSTRALIANS, READS "INCLUDING COOPERATION RELATED TO THE CONTINUOUS OPERATION OF PEACEFUL NUCLEAR ACTIVITIES". THIS LANGUAGE WAS ALSO SUPPORTED BY UK, ITALY AND PHILIPPINES IN LIEU OF ROMANIAN RESOLUTION (REF F), WHICH WAS WITHDRAWN.

5. ALTHOUGH DEL PRESSED TO SUBSTITUTE PHRASE "STRENGTHENING PROGRAMS" IN LIEU "ESTABLISHING PROGRAMS" IN PARA 2D OF DRAFT, PER REF (E), SEVERAL DEVELOPING COUNTRIES STRONGLY SUPPORTED RETENTION OF ORIGINAL LANGUAGE AND IN VIEW OF QUALIFYING LANGUAGE IN SENTENCE RELATING TO ANY PROVISION OF ASSISTANCE, AS WELL AS OUR DESIRE NOT TO JEOPARDIZE ADOPTION LANGUAGE IN PARA 1 C ABOVE, DEL DID NOT INSIST ON SUBSTITUTION.DALE

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